

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID GORDON CANTRELL

Plaintiff,

V.

WASHINGTON STATE *et al.*,

## Defendants

Case No. C07-5571BHS

ORDER DENYING PLAINTIFF'S  
MOTION FOR AN EXTENSION OF  
TIME AND DIRECTING PLAINTIFF  
TO SHOW CAUSE

This action, brought pursuant to 42 U.S.C. 1983, has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Mr. Cantrell has filed a number of frivolous actions in the past. He has also filed actions and then failed to cure defects in his filings. Mr. Cantrells' failure to cure defects in his filings results in his actions being dismissed without prejudice for failure to prosecute. A partial list of Mr. Cantrell's prior actions includes:

1. 93-CV-1680CRD, Dismissed pursuant to 28 U.S.C. 1915.
2. 93-CV-1835WLD, Dismissed as frivolous.
3. 93-CV-5424TSZ, Dismissed without prejudice for failure to prosecute.
4. 94-CV-0135BJR, Dismissed as frivolous.

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1       5.     96-CV-0269WLD,     Dismissed without prejudice for failure to file an amended  
2       complaint.

3       6.     05-CV-5459RBL,     IFP denied for failure to cure defects in the application, case  
4       dismissed without prejudice for failure to pay the filing fee.

5       7.     07-CV-5263RBL,     Action dismissed without prejudice for failure to file an  
6       amended complaint that stated a cause of action, failure to  
7       prosecute, failure to obey a court order.

8       In October of 2007, over the course of twelve days, Mr. Cantrell filed a number of  
9       documents that appear to be five separate cases. The clerk's office filed those actions under the  
10       following cause numbers:

11       1.     07-CV-5568FDB/JKA  
12       2.     07-CV-5569RJB/KLS  
13       3.     07-CV-5570BHS/KLS  
14       4.     07-CV-5571BHS/JKA  
15       5.     07-CV-5592RBL/KLS

16       In each case the application to proceed *in forma pauperis* was deficient and a letter was sent  
17       giving Mr. Cantrell a month to cure the defects. Instead of curing the defects Mr. Cantrell has filed a  
18       form motion for an extension of time. Mr. Cantrell claims he is unable to get copies. In this case the  
19       motion is (Dkt # 3).

20       The motion for an extension of time is **DENIED**. Mr. Cantrell has had over a month to cure  
21       the defects in his filings. He fails to show what copies he needed or what steps he took to get the  
22       needed copies.

23       The court has reviewed the proposed "complaint" in this case. Mr. Cantrell has taken the  
24       first page of the form complaint used for prisoners to file Civil Rights Actions. He has altered the  
25       form. Mr. Cantrell is attempting to file a "criminal indictment [sic]." He names as defendants "Wa  
26       State-Witness-Representative Attorney General-DOC ET. AL. EX PARTY RCW #4.12.060 0-1-2." There  
27       are no operative facts in the pleading and the sum total of the proposed complaint is this one  
28       page document. Mr. Cantrell lacks the authority to file criminal charges.

29       Mr. Cantrell is now **ORDERED TO SHOW CAUSE** why this action should not be  
30       ORDER - 2

1 dismissed as frivolous with the dismissal counting as a strike pursuant to 28 U.S.C. 1915 (g). Mr.  
2 Cantrell has until **January 11, 2008**, to file a response to this order. Failure to file an adequate  
3 response, will result in a Report and Recommendation that this action be dismissed with prejudice as  
4 frivolous. This dismissal would count as a strike pursuant to 28 U.S.C. 1915 (g).

5 The clerk's office is directed to send Mr. Cantrell a copy of this order and note the **January**  
6 **11, 2008**, deadline on the courts calendar.

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8 DATED this 4 day of December, 2007.

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10 /S/ J. Kelley Arnold  
11 J. Kelley Arnold  
United States Magistrate Judge

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